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Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1277

Introduced by

Representatives Satrom, Karls, Klemin, Roers Jones, Schneider

Senator Larson

A BILL for an Act to amend and reenact section 39-08-01.5 of the North Dakota Century Code, relating to suspension of the electronic alcohol monitoring and sobriety breath testing requirement during drug court program participation; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-08-01.5 of the North Dakota Century Code is amended and reenacted as follows:

39-08-01.5. Partial suspension of sentence for drug court program or veterans treatment docket completion.

1. Notwithstanding section 39-08-01~~, all~~:
   a. All but ten days of the minimum mandatory sentence required for a defendant charged with a third or subsequent violation of section 39-08-01 may be suspended on the condition the defendant successfully completes a drug court program or veterans treatment docket approved by the supreme court.
   b. If the drug court determines a defendant participating in a drug court program has substantially complied with the requirements of the drug court program, the drug court may suspend the defendant's electronic alcohol monitoring and sobriety breath testing requirement under the twenty-four seven sobriety program for the six months preceding completion of the drug court program.
2. Upon successful completion of a drug court program or veterans treatment docket, a defendant convicted of a felony under section 39-08-01 and sentenced to drug court or veterans treatment docket is deemed to have been convicted of a misdemeanor.
3. If a defendant convicted of a misdemeanor under section 39-08-01 is sentenced to drug court or veterans treatment docket and successfully completes a drug court

program or veterans treatment docket, the court shall dismiss the case and seal the file in accordance with section 12.1-32-07.2.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.